

REMARKS

The Final Office Action mailed March 7, 2003 has been received and reviewed. Claims 1-13 are pending with claims 6, 7, 12 and 13 having previously been withdrawn. Claims 1-5 and 8-11 stand rejected. Claims 6, 7, 12 and 13 are cancelled. Claims 1 and 8 are amended. The Applicant submits that the claim amendments presented herein distinguish over the references cited by the Examiner, as newly applied. The amendments are clarifying and do not require further searching. The claims are in condition for allowance for the reasons stated below.

Rejection of Claims 1-5 and 8-11 Under 35 U.S.C. § 102(b)

Claims 1-5 and 8-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by GB 2,233,238 to Palmer, et al. The Examiner states that Palmer, et al., disclose in FIGS. 1-4 a bottle carrier device having all the claimed elements, including a joining member (10, 11) interconnecting said hook member to said engaging member, wherein said joining member is a loop of material which encircles a portion of the hook member and which also encircles a portion of the engaging member. Claims 1 and 8 are amended to clarify the claimed structure.

As amended, claims 1 and 8 require a joining member having a first end secured to the self-adjusting bottleneck-engaging member and a second end secured to the hook member. Support for the amendment is found in FIGS. 1 and 2 of the specification as filed. Palmer, et al., fail to disclose the claimed structure. Palmer, et al., disclose a rigid member (10) which has a first end secured to a first elastic band and a second end secured to a second elastic band to interconnect the two elastic

bands in spaced apart arrangement. Palmer, et al., also disclose a spiral cord having a first end secured to the rigid member (10) and a second end connect to a hook. Thus, Palmer, et al., fails to teach the bottle carrier device as claimed. Therefore, claims 1-5 and 8-11 are not anticipated by Palmer, et al. The Applicant further restates that Palmer, et al., fail to teach a self-adjusting or elastomeric member which is structured for engagement of the neck of a bottle. To the contrary, Palmer, et al., disclose a structure for encircling the body of a bottle comprising two elastic bands joined together by a rigid member. Palmer, et al., therefore, do not anticipate claims 1-5 and 8-11.

Rejection Of Claims 1-5 and 8-11 Under 35 U.S.C. § 103(a)

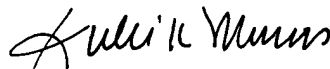
Claims 1-5 and 8-11 are newly rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker in view of Palmer. The Examiner states that Becker discloses in FIGS. 1 and 7 a bottle carrier device having a hook member (33) having a ring with a pivoted arm; an engaging member for attachment to the neck of a bottle (12); and a joining member 34 interconnecting the hook member to the engaging member, wherein the joining member is a loop of material which encircles a portion of the hook member and which also encircles a portion of the engaging member (FIG. 7). The Examiner states that Becker does not disclose the engaging member being a self-adjusting elastomeric ring, but states that Palmer discloses an elastomeric ring and that, therefore, it would have been obvious to provide the Becker device with an elastomeric ring as taught by Palmer for a quick attachment and detachment of the carrier device to and from the bottle. The rejection is traversed. Becker teaches a

bottle carrier device having a nylon cord (12) for positioning about the neck of a bottle which maintains it in a vertical position. Palmer, et al., teaches a device comprising two elastic bands positionable about the body of a bottle with a rigid structure joining the two elastic bands in a spaced-apart arrangement. Not only does Palmer, et al., not disclose a bottleneck-engaging member as claimed, but attaching the bottle engaging structure of Palmer, et al., comprising the rigid member and two elastic bands, as a substitute for the nylon cord (12) of Becker would merely provide a bottle encircling carrier device. The combination of Palmer, et al., and Becker would not provide a bottleneck-engaging carrier device as claimed. Therefore, Becker and Palmer, et al., cannot be combined as the Examiner suggests to obviate claims 1-5 and 8-11.

CONCLUSION

The applicant submits that claims 1-5 and 8-11 present patentable subject matter for the reasons stated above. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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